

AMENDED IN ASSEMBLY MARCH 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 430

Introduced by Assembly Member Olsen

February 15, 2013

An act to add Article 3.3 (commencing with Section 44475) to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 430, as amended, Olsen. Teacher evaluation: Teacher Professional Growth Plan.

(1) Existing law states the intent of the Legislature that governing boards of school districts establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance on a continuing basis as it reasonably relates to (A) the progress of pupils toward the established standards and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments, (B) the instructional techniques and strategies used by the employee, (C) the employee's adherence to curricular objectives, and (D) the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

Existing law authorizes a school district to dismiss a permanent certificated employee for unsatisfactory performance, among other reasons.

This bill would establish the Teacher Professional Growth Plan for all school districts, to commence with the 2015–16 school year. The bill would authorize the governing board of a school district and the exclusive representative of the certificated employees of the school district to meet and confer regarding the establishment of an alternative teacher evaluation system *that includes value-added assessment measures, classroom observation, and teacher input*. If the parties do not agree upon an alternative teacher evaluation system, the bill would require the governing board of the school district to conduct evaluations of certificated employees pursuant to specified requirements, including requiring (A) all certificated employees, including those with permanent status, to be evaluated annually, (B) 50% of an evaluation to be based on the academic growth experienced by pupils taught by the certificated employee being evaluated and 50% based on classroom observations conducted by peers and the principal of the school, and (C) certificated employees to be evaluated as exemplary, effective, developing, or needing improvement.

The bill would require that evaluation system also to provide that a certificated employee with permanent status who is evaluated after one year as needing improvement lose permanent status and be placed on probation. The bill would require the governing board *of the school district* to provide that employee with professional training and development. The bill would require renewal of permanent status if the employee is no longer evaluated as needing improvement the following year, otherwise, the employee would remain on probation for a 2nd year. If the employee continues to need improvement at the end of the 2nd year on probation, the bill would require the school district to dismiss the certificated employee, as provided.

By placing new requirements on school districts regarding teacher evaluation, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.3 (commencing with Section 44475) is
2 added to Chapter 3 of Part 25 of Division 3 of Title 2 of the
3 Education Code, to read:

4
5 Article 3.3. Teacher Professional Growth Plan
6

7 44475. There is hereby established the Teacher Professional
8 Growth Plan. The plan shall commence with the 2015–16 school
9 year and shall be conducted at all school districts. This article shall
10 supersede existing provisions governing the evaluation of
11 certificated employees that conflict with this article.

12 44476. (a) The governing board of a school district and the
13 exclusive representative of the certificated employees of the school
14 district may meet and confer regarding the establishment of an
15 alternative teacher evaluation system. If the two parties reach an
16 agreement by January 1, 2015, the governing board of the school
17 district shall adopt the agreement by July 1, 2015. If the parties do
18 not reach an agreement, the governing board of the school district
19 shall conduct evaluations of certificated employees pursuant to
20 Section 44477. If the parties agree upon an alternative teacher
21 evaluation system, the governing board of the school district shall
22 use ~~the~~ *that* evaluation system.

23 (b) (1) An alternative teacher evaluation system agreement
24 adopted pursuant to subdivision (a) ~~may~~ *shall* include the
25 following:

26 ~~(1)~~

27 (A) Both value-added assessment measures and classroom
28 observation. The value-added assessment measures shall comprise
29 ~~of~~ at least one-third of the alternative teacher evaluation system.

30 ~~(2) Student surveys.~~

31 ~~(3) Parent surveys.~~

32 ~~(4)~~

33 (B) Teacher input, including, but not limited to, self assessments
34 and teacher portfolios.

35 (2) *In addition to the requirements of paragraph (1), an*
36 *alternative teacher evaluation system agreement adopted pursuant*
37 *to subdivision (a) may also include the following:*

38 (A) *Student surveys.*

1 (B) *Parent surveys.*

2 44477. If the exclusive representative of the certificated
3 employees and the governing board of a school district do not
4 reach an agreement as described in Section 44476, the governing
5 board of the school district shall conduct evaluations of certificated
6 employees pursuant to the following requirements:

7 (a) All certificated employees, including those with permanent
8 status, shall be evaluated annually.

9 (b) Fifty percent of an evaluation shall be based on the academic
10 growth experienced by pupils taught by the certificated employee
11 being evaluated, as measured by assessments administered at the
12 beginning and end of the same school year.

13 (c) Fifty percent of an evaluation shall be based on classroom
14 observations conducted by peers and the principal of the school
15 in which the evaluation takes place.

16 (d) A certificated employee shall be evaluated as exemplary,
17 effective, developing, or needing improvement.

18 (e) If it is determined after one year that a certificated employee
19 with permanent status needs improvement, that employee shall
20 lose permanent status and be placed on probation. While on
21 probation, the governing board of the school district shall provide
22 that employee with professional training and development, as the
23 governing board determines appropriate.

24 (f) The permanent status of a certificated employee placed on
25 probation pursuant to this section shall be renewed if it is
26 determined in the following year that the employee no longer needs
27 improvement. If the employee continues to need improvement the
28 following year, the employee shall remain on probation for a
29 second year.

30 (g) The permanent status of a certificated employee who remains
31 on probation for a second year shall be renewed if it is determined
32 at the end of the second year on probation that the employee no
33 longer needs improvement. If the employee continues to need
34 improvement at the end of the second year on probation, the school
35 district shall dismiss the certificated employee. Existing provisions
36 governing the dismissal of permanent certificated employees shall
37 apply.

38 SEC. 2. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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